



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No 12-20592-C-7
GILBERTO MANCILLA and) DC No CCR-1
ELISA MANCILLA,)
Debtors)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION FOR RELIEF FROM AUTOMATIC STAY NOT INTENDED FOR
PUBLICATION**

These findings of fact and conclusions of law, which are not intended for publication, are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014

Jurisdiction

Jurisdiction is founded upon 28 U S C § 1334. This is a core proceeding 28 U S C § 157(b) (2) (G)

Findings of Fact

Debtors filed their voluntary Chapter 7 petition on

1 January 12, 2012 They did not schedule the real property
2 commonly known as 2415 Matthew Lane, Escalon, CA 95320
3 ("property") as property of the estate They did, however,
4 list the property as their current address

5 Debtor Gilberto Mancilla had a prior Chapter 7 case
6 (Case No 11-46475-B-7) pending within the one-year period
7 preceding the commencement of the instant case Case No 11-
8 46475-B-7 was dismissed on December 27, 2011, for failure to
9 timely file documents

10 On January 31, 2012, Residential Foreclosure Fund II,
11 LLC ("Movant"), filed a motion, notice, and declaration
12 requesting that this court vacate the automatic stay to allow
13 Movant to obtain possession of the property through eviction
14 Movant obtained title at a foreclosure sale held on June 8,
15 2011 On October 20, 2011, Movant obtained judgment against
16 Debtors and obtained writ of possession The eviction process
17 was halted by the filing of the Debtors' bankruptcy petition

18 The Chapter 7 Trustee filed a statement of nonopposition
19 to this motion

20 Upon review of the record, the court determined that the
21 written record is adequate and that no oral argument is
22 necessary

23 Conclusions of Law

24 Pursuant to 11 U S C § 362(c)(3)(A), the provisions of
25 the automatic stay under § 362(a) terminated with respect to
26 the Debtors by operation of law after thirty days of the
27 petition filing 11 U S C § 362(c)(3)(A) Accordingly, the
28 automatic stay of acts against Debtors in personam expired on

1 February 11, 2012, as a matter of law 11 U S C § 362(c)(3)
2 The motion insofar as it is directed at the interest of the
3 Debtors is moot and will be denied

4 The Chapter 7 Trustee, by filing nonopposition,
5 concedes to the motion Therefore, the motion for stay relief
6 is granted as to the Trustee

7 An appropriate order will issue

8 Dated February 13, 2012

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12 UNITED STATES BANKRUPTCY JUDGE
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